



23 JUN 2009

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In re Application of :
TECKOE, et al. :
Serial No.: 10/573,087 :
PCT No.: PCT/GB04/04097 : DECISION ON PETITION
Int. Filing Date: 24 September 2004 :
Priority Date: 24 September 2003 : UNDER 37 CFR 1.47(a)
Atty Docket No.: 61170-227 (JUSK-126) :
For: IMPROVEMENTS IN POWDER COMPACTION :
AND ENROBING :

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR §1.47(a)" filed 17 June 2009 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Mike Dann.

BACKGROUND

On 19 November 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 17 June 2009, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time. With the filing of the petition for a five-month extension of time and payment of the appropriate extension of time fee, the present response is considered timely filed.

DISCUSSION

The renewed petition under 37 CFR 1.47(a) is moot since the presently filed declaration has been executed by the previous non-signing inventor, Mike Dann. The filed declaration executed by inventor Dann is acceptable under 37 CFR 1.497. Applicant is advised that while a declaration has currently been supplied by the previously non-signing inventor, applicant has not provided a compliant oath or declaration of the other five inventors. As detailed in the decision mailed 19 November 2008, the originally filed declaration contained four pages listing inventors one through five and a single sheet listing and executed by the sixth inventor Martin Good. This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant. (See MPEP Section 201.03). It may be that complete declarations were provided to the inventors and returned but that the signature pages were combined for the purposes of filing.

If this is the case, applicant should provide the USPTO with complete copies of the declarations along with an explanation.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** **as moot**.

Applicant is hereby afforded **ONE (1) MONTH** from the mail date of this decision to supply a compliant oath or declaration signed by inventors Teckoe, Merwood, Kessel, Povey and Good. This period is not extendable.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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